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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 ISRAEL ALVAREZ-SUAREZ,

12 Defendant.

Case No. 3:17-CR-00070-LRH-WGC

ORDER

13  
14 The Defendant, ISRAEL ALVAREZ-SUAREZ, was charged by indictment in violation  
15 of 8 U.S.C. § 1326(a), Deported Alien Found Unlawfully in the United States (Count 1). ECF  
16 No. 1. On September 19, 2017, the Court scheduled and conducted a hearing for status  
17 conference regarding Defendant's competency. ECF No. 17.

18 **IT IS HEREBY ORDERED** that in accordance with 18 U.S.C. § 4241 and § 4247, and  
19 under the inherent powers of the Court to order such examination, the United States Marshal  
20 Service shall transport ISRAEL ALVAREZ-SUAREZ, Defendant herein, to a suitable U.S.  
21 Bureau of Prisons (BOP) Federal Medical Facility in order to determine if Defendant currently  
22 suffers from a mental disease or defect rendering him mentally incompetent to the extent that he  
23 is unable to understand the nature and consequences of the proceedings filed against him or  
24 assist an attorney in his own defense. **The Court recommends that the BOP designate**

1 **Metropolitan Correctional Center (MCC) in San Diego, California, for Defendant's**  
2 **competency evaluation.** Court records show that as recently as September 27, 2016,  
3 Defendant was at MCC San Diego for a competency evaluation. *See* Minute Order, *United*  
4 *States v. Alvarez-Suarez*, Case No. 3:16-mj-2115-KSC-BEN (S.D.C.A. Sep. 27, 2016), ECF No.  
5 12.

6 This Court has authority to order a psychiatric or psychological examination of  
7 Defendant to determine whether Defendant currently suffers from a mental disease or defect  
8 rendering him mentally incompetent to stand trial at this time. *See* 18 U.S.C. § 4241(b).

9 **IT IS FURTHER ORDERED** that Defendant shall be held in said facility for a  
10 reasonable period of time, not to exceed thirty (30) days from the date of his placement in the  
11 facility, unless extended by further order of the Court upon application of the Director of the  
12 said facility, or pursuant to other appropriate motion, or upon order entered by the court, *sua*  
13 *sponte*, for a period of up to fifteen (15) additional days pursuant to 18 U.S.C. § 4247(b).

14 **IT IS FURTHER ORDERED** that, when Defendant has completed the examination,  
15 and his presence is no longer required at the medical facility, he shall be transported forthwith  
16 back to the District of Nevada, Reno.

17 **IT IS FURTHER ORDERED** that the examination conducted pursuant to this Order be  
18 by one or more licensed or certified psychiatrists or psychologists pursuant to 18 U.S.C.  
19 § 4247(b).

20 **IT IS FURTHER ORDERED** that within twenty-five (25) days from the date of his  
21 placement in the facility, or such additional period as may be ordered by the Court, the Director  
22 of the said facility at which the examination has been conducted shall prepare, or cause to be  
23 prepared, a psychiatric or psychological report of Defendant and that he shall send copies of  
24 such psychiatric or psychological report to the Clerk of the United States District Court for the

1 District of Nevada, to Brian Sullivan, Assistant United States Attorney, and to Sylvia Irvin,  
2 Assistant Federal Public Defender, counsel for Defendant ALVAREZ-SUAREZ, pursuant to 18  
3 U.S.C. § 4241(b) and § 4247(b) and (c).


4 **IT IS FURTHER ORDERED** that the said report prepared pursuant to 18 U.S.C.  
5 § 4241(b), and § 4247(b) and (c) as per this Order shall include:

- 6 (1) Defendant's history and present symptoms;
- 7 (2) A description of the psychiatric, psychological or medical tests that were  
8 employed and their results;
- 9 (3) The examiner's findings;
- 10 (4) The examiner's opinions as to diagnosis, prognosis; and
- 11 (5) The examiner's opinions as to whether the Defendant is suffering from a mental  
12 disease or defect rendering him mentally incompetent to the extent that he is  
13 unable to understand the nature and consequences of the proceedings filed  
14 against him or assist his attorney in his own defense. Thus, rendering him  
15 incompetent to stand trial at this time.

16 The Court finds that the period of time required by the above-described psychiatric or  
17 psychological examination of Defendant, and the Court's determination of Defendant's  
18 competency to go forward with trial, is excludable time under the Speedy Trial Act, 18 U.S.C. §  
19 3161(h)(1)(A). Therefore, the current Calendar Call and Trial date shall be vacated. Once the  
20 Court and parties are in receipt of the psychiatric or psychological report of Defendant, the  
21 Court will set a status conference.

22 **IT IS SO ORDERED.**

23 Dated this 20th day of September, 2017.

24   
HONORABLE LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE